IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

WP(C).No. 9464 of 2007(B)

PETITIONER:

S.PADMAKUMAR,S/O.SREEKANTAN NAIR,
AGED 38 YEARS,RESIDING AT PLOT NO.2,
PTP NAGAR P.O, PTP NAGAR,VATTIYOORKAVU,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.ANANDAKUTTAN
SMT.M.HEMALATHA
SRI.R.S.MADHU
SRI.MAHESH ANANDAKUTTAN

RESPONDENTS:
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1. THE CIRCLE INSPECTOR OF POLICE, MEDICAL COLLEGE POLICE STATION,THIRUVANANTHAPURAM.

2. MR.PUSHKARAN,S/O.VASUDEVAN, KALLUMPURATH VEEDU, KUNNATHODE, ATTIPRA, THIRUVANANTHAPURAM.

3. MR.SUDHAN, S/O.KESAVAN CONVENOR, SASTHAMKONAM, E.M.S. NAGAR, MANKOTTUPOIKA, NJARAMOODU SAMRAKSHANA SAMITHI.

4. MR.C.DHARMARAJAN, S/O.CHAKRAPANI, GOKULAM, T.C 40/1795, ETTUKUZHY, SREEKARIYAM.

BY ADV. SRI.J.HARIKUMAR
SRI.HARIKUMAR.S.
R1 BY GP SHRI P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.9464/2007 - APPENEIX

PETITIONER'S EXHIBITS:

EXT.P1 - TRUE COPY OF PLAINT IN O.S. NO.710/2006 DATED 16.5.2006 BEFORE THE DISTRICT COURT, THIRUVANANTHAPURAM.

EXT.P2 - TRUE CPY OF DECREE DATED 8.11.2006 IN O.S.NO.710/2006 BEFORE THE I ADDL. MUNSIFF'S COURT, THIRUVANANTHAPURAM.

EXT.P3 - TRUE COPY OF REPRESENTATION FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 7.3.2007

EXT.P4 - TRUE COPY OF THE POSTAL RECEIPT FOR SENDING EXT.P3 DATED 7.3.2007.

EXT.P5 SERIES - TRUE COPY OF THE PHOTOS.

EXT.P6 - TRUE COPY OF THE COMMISSION REPORT.

RESPONDENTS' EXHIBITS:

EXT.R4 (a)- TRUE COPY OF SALE DEED NO.1954 DATED 31.3.2005 OF PATTOM SUB REGISTRY.

EXT.R4 (b)- TRUE COPY OF PETITION DATED 8.3.2007 BEFORE THE ASSISTANT DIRECTOR OF RESURVEY, THIRUVANANTHAPURAM.

EXT.R4 (c)- TRUE COPY OF REPLY LETTER NO.C3.298/07 DATED 27.3.2007 OF THE ASSISTANT DIRECTOR OF RESURVEY,THIRUVANANTHAPURAM.

(TRUE COPY)

PS TO JUDGE

vaa

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C)No.9464 OF 2007

Dated 10th April, 2007

JUDGMENT

Koshy,J.

This is a petition for police protection. According to the petitioner, he got an ex parte decree against respondents 2 and 3. Despite that, they are trying to trespass into the property and also threatening the lives of the petitioner and his family members, and, therefore, they want police protection. Counsel for the contesting respondents submitted that only when notice was issued in this writ petition they were aware of the existence of ex parte decree and they filed a petition to set aside the same. We are unable to decide the question of title and possession in a petition filed under Article 226 of the Constitution of India as those matters have to be decided by the civil court. It is submitted by the Government Pleader that at present there is no law and order situation. In the above circumstances, we dispose of the writ petition, without expressing any opinion regarding the merits of the civil disputes between the parties, directing the police to see that law and order is maintained and lives of the parties are not endangered.

The writ petition is disposed of accordingly.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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